

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DOC #: _____
DATE FILED: 09/18/2020

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CHANG YAN CHEN,
On behalf of himself and others similarly situated

Plaintiff,

7654
Index No. 19-cv-7564 (VEC)

-against-

LILIS 200 WEST 57TH CORP. d/b/a Lili's 57 Asian
Cuisine & Sushi Bar,
BAUMGART'S NEXT DOOR INC. d/b/a Baumgart's
Café,
792 RESTAURANT FOOD CORP. d/b/a Lilli and
Loo,
ALAN PHILLIPS,
JONAH PHILLIPS,
THEAN CHOO CHONG a/k/a Alfred Chong,
SIEW MOY LOW a/k/a Maggie Low,
STEW M. LOW,
EPHAN "DOE", and
"MIGI" DOE,

Defendants.

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NOTICE OF MOTION

TO DISMISS

PLEASE TAKE NOTICE, that upon the annexed Joshua S. Androphy, Esq., and
upon the annexed Memorandum of Law, defendants Lilli's 200 West 57th Corp., Thean Choo
Chong, Ephane "Doe," "Migi" Doe, Baumgart's Next Door, Inc., Siew Mow Low, 792 Restaurant
Food Corp., and Stew M. Low (the "Moving Defendants"), by and through their undersigned
attorneys Morrison Tenenbaum PLLC, hereby move for entry of an order pursuant Fed. R. Civ. P.
12(b)(6) to dismiss (1) all claims against Baumgart's Next Door Inc. and (2) the New Jersey
Wage and Hour Law ("NJWHL") claims, Counts III and VI, of the second amended complaint
against the Moving Defendants.

PLEASE TAKE FURTHER NOTICE, that any responses or objections to the
Motion must be in writing, shall conform to the Federal Rules of Civil Procedure and the Local

Rules of the District Court, and pursuant to Fed. R. Civ. P. 6(c)(1)(C) and Local Civil Rule 6.1:

Plaintiff shall file his response to the Motion, within 14 days of service of the motion, by

September 30, 2020.

Dated: New York, New York
September 16, 2020

MORRISON TENENBAUM PLLC

By: /s/ Joshua S. Androphy
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Attorneys for Moving Defendants

Plaintiff's response to Defendants' motion is due
not later than **October 2, 2020**. Defendants' reply
is due not later than **October 9, 2020**.

SO ORDERED.


09/18/2020

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE